



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2023-0069; FRL-10579-06-OCSP]

Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities (June 2023)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petition and request for comment.

SUMMARY: This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2023-0069, through the *Federal eRulemaking Portal* at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Madison Le, Biopesticides and Pollution Prevention Division (BPPD) (7511M), main telephone number: (202)-566-1400, email address: BPPDFRNotices@epa.gov; or Charles Smith, Registration Division (RD) (7505T), main telephone number: (202) 566-2427, email address: RDFRNotices@epa.gov. The mailing address for each contact person is Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. As part of the mailing address, include

the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets>.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment

and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What Action is the Agency Taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available at <https://www.regulations.gov>.

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary

referenced in this unit.

A. Notice of Filing – Amended Tolerances for Non-Inerts

PP 2E9041. EPA-HQ-OPP-2023-0078. Interregional Research Project Number 4 (IR-4), IR-4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606, requests to amend 40 CFR 180.672 by removing the established tolerances for residues of the insecticide cyantraniliprole, 3-bromo-1-(3-chloro-2-pyridinyl)-N-[4-cyano-2-methyl-6-(((methylamino)carbonyl)phenyl)-1H-pyrazole-5-carboxamide, including its metabolites and degradates, in or on the following commodities: Vegetable, legume, dried shelled, except soybean, subgroup 6C at 1.0 parts per million (ppm); vegetable, legume, edible podded, subgroup 6A at 2.0 ppm; vegetable, legume, succulent shelled, subgroup 6B at 0.20 ppm; vegetable, foliage of legume, except soybean, group 7A at 40 ppm; corn, field, grain at 0.01 ppm; corn, pop, grain, at 0.01 ppm; corn, sweet, kernel plus cob with husks removed at 0.01 ppm; and rice, grain at 0.02 ppm. *Contact:* RD.

B. New Tolerance Exemptions for Inerts (Except PIPs)

PP IN-11782. EPA-HQ-OPP-2023-0347. SciReg, Inc., 12733 Director's Loop, Woodbridge, VA, 22192 on behalf of Bi-PA NV, requests to establish an exemption from the requirement of a tolerance for residues of cocamidopropyl betaine (CAS Reg. No. 61789-40-0) when used as an inert ingredient in pesticide formulations applied under 40 CFR 180.920 at levels up to 10% w/w in pesticide formulations. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD

C. New Tolerance Exemptions for Non-Inerts (Except PIPs)

1. *PP 2F8989.* EPA-HQ-OPP-2023-0149. UPL NA Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the plant growth regulator *ascophyllum nodosum* concentrated extract when used as a plant growth regulator in or on all raw agricultural

commodities. The petitioner believes no analytical method is needed because of the lack of toxicity and pathogenicity demonstrated in the available toxicological data. *Contact:* BPPD.

2. *PP 2F9034*. EPA-HQ-OPP-2023-0291. Nufarm Americas, Inc., AGT Division. 11901 S. Austin Avenue, Alsip, IL 60803, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the nematocide, cis-jasmone (2-Cyclopenten-1-one, 3-methyl-2-(2Z)-2-pentenyl) in or on all food commodities. The petitioner believes no analytical method is needed because it is expected that when used as proposed, cis-jasmone would not result in residues of toxicological concern. *Contact:* BPPD.

D. New Tolerances for Non-Inerts

1. *PP 0E8879*. EPA-HQ-OPP-2023-0106. Bayer Crop Science P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide triadimenol in or on coffee, green bean at 0.5 ppm. The gas chromatography with mass spectrometry detection (GC/MS) methods I and II are used to measure and evaluate the chemical triadimenol. *Contact:* RD.

2. *PP 2E9041*. EPA-HQ-OPP-2023-0078. Interregional Research Project Number 4 (IR-4), IR-4 Project Headquarters, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606 requests to establish tolerances in 40 CFR 180.672 for residues of the insecticide cyantraniliprole, 3-bromo-1-(3-chloro-2-pyridinyl)-N-[4-cyano-2-methyl-6-[[[(methylamino)carbonyl]phenyl]-1H-pyrazole-5-carboxamide, including its metabolites and degradates, in or on the following commodities: Edible podded bean subgroup 6-22A at 2 ppm; edible podded pea subgroup 6-22B at 2 ppm; field corn subgroup 15-22C at 0.01 ppm; forage and hay of legume vegetables (except soybeans) subgroup 7-22A at 40 ppm; herb fresh leaves subgroup 25A at 40 ppm; herb dried leaves subgroup 25B at 150 ppm; hops, dried cones at 70 ppm; papaya at 1.5 ppm; pulses, dried shelled bean, except soybean, subgroup 6-22E at 1 ppm; pulses, dried shelled pea subgroup 6-22F at 1 ppm; rice subgroup 15-22F at 0.02 ppm; spices crop group 26 at 80 ppm; succulent shelled bean subgroup 6-22C at 0.3 ppm; succulent shelled

pea subgroup 6-22D at 0.3 ppm; and sweet corn subgroup 15-22D at 0.01 ppm. LC/MS/MS methods are available for the enforcement of tolerances for cyantraniliprole residues of concern. *Contact:* RD.

3. *PP 2F9038*. EPA-HQ-OPP-2023-0308. BASF Corporation, 26 Davis Drive, Research Triangle Park, NC, 2770, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide pendimethalin in or on the tropical and subtropical fruit, medium to large fruit, edible peel subgroup 23B at 0.1 ppm; fig, dried fruit at 3.0 ppm; and an inadvertent tolerance on cilantro, fresh leaves at 0.1 ppm. The method of aqueous organic solvent extraction, column clean up, and quantitation by GC is used to measure and evaluate the chemical pendimethalin and its 3,5-dinitrobenzyl alcohol metabolite. *Contact:* RD.

Authority: 21 U.S.C. 346a.

Dated: July 18, 2023.

Delores Barber,

Director,

Information Technology and Resources Management Division,

Office of Program Support.

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